

#22  
RECEIVED Final

INCREASE STATE TAXES

APR 08 2011

9:28am  
ch

ELECTIONS  
SECRETARY OF STATE

Be it Enacted by the People of the State of Colorado:

**SECTION 1.** Part 1 of article 77 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**24-77-103.3. Voter approved revenue change-use of revenues.** THE REVENUES RAISED BY THE INCREASE IN TAXES IMPOSED PURSUANT TO THIS MEASURE, AS SPECIFIED IN SECTIONS 39-22-104(1.9), 39-22-301(1)(d)(I)(J), 39-26-106(1)(c), AND 39-26-202(2.5), C.R.S., SHALL CONSTITUTE A VOTER-APPROVED REVENUE CHANGE AND MAY BE COLLECTED, KEPT, AND SPENT NOTWITHSTANDING ANY OTHER LIMITS IN THE STATE CONSTITUTION OR OTHER LAW. ALL REVENUES RAISED BY THE INCREASE IN TAXES IMPOSED PURSUANT TO THIS MEASURE, AS SPECIFIED IN SECTIONS 39-22-104(1.9), 39-22-301(1)(d)(I)(J), 39-26-106(1)(c), AND 39-26-202(2.5), C.R.S., SHALL BE APPROPRIATED BY THE GENERAL ASSEMBLY ONLY FOR THE COSTS OF PUBLIC EDUCATION FROM PRESCHOOL THROUGH TWELFTH GRADE AND PUBLIC POSTSECONDARY EDUCATION AND SHALL BE IN ADDITION TO AND NOT A SUBSTITUTE FOR MONEYS OTHERWISE APPROPRIATED BY THE GENERAL ASSEMBLY FOR THE COSTS OF PUBLIC EDUCATION FROM PRESCHOOL THROUGH TWELFTH GRADE AND PUBLIC POSTSECONDARY EDUCATION THE AMOUNT OF WHICH APPROPRIATION SHALL BE NOT LESS THAN THE AMOUNT APPROPRIATED FOR SUCH PURPOSES FOR FISCAL YEAR 2011-12.

**SECTION 2.** 39-22-104 (2), Colorado Revised Statutes, is amended, and the said 39-22-104 is further amended BY THE ADDITION OF A NEW SUBSECTION to read:

**39-22-104. Income tax imposed on individuals, estates, and trusts-single rate definitions – repeal.** (1.9) SUBJECT TO SUBSECTION (2) OF THIS SECTION, WITH RESPECT TO TAXABLE YEARS COMMENCING ON OR AFTER JANUARY 1, 2012, A TAX OF FIVE PERCENT IS IMPOSED ON THE FEDERAL TAXABLE INCOME, AS DETERMINED PURSUANT TO SECTION 63 OF THE INTERNAL REVENUE CODE, OF EVERY INDIVIDUAL, ESTATE, AND TRUST.

(2) Prior to the application of the rate of tax prescribed in subsection (1), (1.5), ~~or~~ (1.7), OR (1.9) of this section, the federal taxable income shall be modified as provided in subsections (3) and (4) of this section.

**SECTION 3.** 39-22-301(1)(d)(I)(I), Colorado Revised Statutes is amended, and the said 39-22-301(1)(d)(I) is further amended BY THE ADDITION OF A NEW SUB-PARAGRAPH to read:

**39-22-301 Corporate Tax Imposed.** (1)(d)(I) A tax is imposed upon each domestic C corporation and foreign C corporation doing business in Colorado annually in an amount of the

net income of such C corporation during the year derived from sources within Colorado as set forth in the following schedule of rates:

(I) Except as otherwise provided in section 39-22-627, for income tax years commencing on or after January 1, 2000, BUT PRIOR TO JANUARY 1, 2012, four and sixty-three one hundredths percent of the Colorado net income.

(J) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2012, FIVE PERCENT OF THE COLORADO NET INCOME.

**SECTION 4.** 39-26-106(1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**39-26-106. Schedule of Sales Tax.** (1)(c) NOTWITHSTANDING THE TWO AND NINETY ONE-HUNDREDTHS PERCENT RATE PROVISIONS OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (1), FOR THE PERIOD COMMENCING ON OR AFTER JANUARY 1, 2012, THE RATE OF THE TAX IMPOSED PURSUANT TO THIS SUBSECTION (1) SHALL BE THREE PERCENT.

**SECTION 5.** 39-26-202, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**39-26-202. Authorization of tax.** (2.5) NOTWITHSTANDING THE TWO AND NINETY ONE-HUNDREDTHS PERCENT RATE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION, FOR THE PERIOD COMMENCING ON OR AFTER JANUARY 1, 2012, THE RATE OF THE TAX IMPOSED PURSUANT TO THIS SECTION SHALL BE THREE PERCENT.

**SECTION 6. Effective date.** This act shall take effect January 1, 2012.

Sen. Rollie Heath  
2455 Vassar Drive  
Boulder, CO. 80305  
(720) 272-2389

Richard Valenty  
1623 Yellow Pine Ave.  
Boulder, CO. 80304  
(303) 246-1174

**Sherman & Howard L.L.C.**

ATTORNEYS & COUNSELORS AT LAW  
633 SEVENTEENTH STREET, SUITE 3000  
DENVER, COLORADO 80202  
TELEPHONE: (303) 297-2900  
FAX: (303) 298-0940  
WWW.SHERMANHOWARD.COM

Dee P. Wisor  
Direct Dial Number: 303-299-8228  
Email: [dwisor@shermanhoward.com](mailto:dwisor@shermanhoward.com)

April 7, 2011

**RECEIVED**

APR 08 2011

ELECTIONS  
SECRETARY OF STATE

*9:25am  
th*

The Honorable Scott Gessler  
Secretary of State  
State of Colorado  
Department of State  
1700 Broadway, Suite 200  
Denver, Colorado

Re: Ballot Initiative Measures 2011-12 #22 and 2011-12 #25

Dear Secretary Gessler:

On behalf of proponents Rollie Heath and Richard Valenty, I hereby submit to your office pursuant to Section 1-40-105(4), C.R.S. the final language for two proposed ballot initiatives to appear on the November 1, 2011 ballot. Also, enclosed is a copy of each initiative as originally filed with the Legislative Council and Office of Legislative Legal Services and a version marked to reflect the changes between the final version and the original filing.

The mailing addresses for the proponents are:

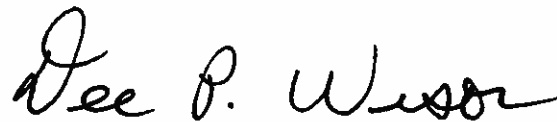
Sen. Rollie Heath  
2455 Vassar Drive  
Boulder, CO. 80305

Richard Valenty  
1623 Yellow Pine Ave.  
Boulder, CO. 80304

Please transmit an additional copy of any documentation to me.

We request that this proposed ballot initiative be considered at the April 20<sup>th</sup> meeting of the Title Board. Thank you.

Sincerely,



Dee P. Wisor

DPW/to

Enclosures

cc: Sen. Rollie Heath  
Richard Valenty